



# Application for Nonconforming Use Certificate

Ogden City Development Services  
2549 Washington Blvd. Suite 240  
Ogden, UT 84401  
Phone: 801-629-8930

Ogden City is an older community, and there are some uses which may be nonconforming (the use was allowed when it was constructed, but does not meet the current zoning regulations.) These nonconforming situations **may** have a right to remain and be used as they were constructed, provided the use has not been discontinued for longer than one year.

Ogden City issues Nonconforming Use Certificates in order for current and future owners to be assured that the current use may continue.

A Nonconforming Use Certificate is the City's acknowledgment that the use was legal at its time of construction and is allowed to remain. If the use is vacated for a period of a year or longer, any nonconforming right is lost. Therefore, verification must be given that the use has been continuous since first allowed or approved.

<b>Property Address:</b>		
<b>Applicant Name:</b>		Phone:
<b>Address:</b>		Email:
City:	State:	Zip:
<b>Owner's Name:</b>		Phone:
<b>Address:</b>		Email:
City:	State:	Zip:
<b>Requested Certificate Use:</b>		
Has the building or site been vacant for more than one year? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If "yes," please explain reason for vacancy below:</i>		
Has the building or site been converted to the present use since its original construction? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Submit a complete application to <a href="mailto:planning@ogdencity.gov">planning@ogdencity.gov</a> or in-person to the 2 <sup>nd</sup> Floor Building Service Counter, ask for a Planner.		
<b>Fee: \$281.20</b>		
<b>I have read the application and hereby certify that the information is correct to the best of my knowledge</b>		
<b>Signature</b>	<b>Date</b>	
<b>Submittal Checklist</b>		
<b>Site plan drawing</b> of the existing conditions of the site (see <u>example</u> )		
<b>Please include:</b>		
<ul style="list-style-type: none"><li>• Property lines with dimensions</li><li>• Building location with dimensions of building(s)</li><li>• Parking location (attached or detached garages, carport, concrete slab)</li><li>• Sidewalks, park strips, curb and gutters</li><li>• Mature landscaping (trees, shrubs, etc.)</li></ul>		
<p>The site plan drawing illustrates a property with the following dimensions and features: The property is 140' wide and 142' deep. It includes a 65' fence on the left and a 2' fence on the right. A 12' x 24' garage is located in the rear right corner. A 15' x 14' Existing Building is positioned in the center. A 32' wide concrete driveway leads to the garage. A 10' wide sidewalk runs along the front of the property. A 32' wide park strip is located at the bottom. The property is divided into a 26' x 142' lawn area and a 10' x 142' lawn area. A 5' wide back of curb is shown at the bottom right. The property is located on 1000 Sunset Street.</p>		

(Checklist continued from page one)

**Polk Directory** (required documentation) These publications are available at the nonfiction desk at Weber County Library – Southwest Branch, 2039 W 4000 S, Roy, 84067, the WSU Library, or the Family History Center. Polk Directories show a record of the occupants at an address for a given year. This information is critical to establishing previous use. Property addresses are listed in the green and pink sections. When submitting *Polk Directory* evidence, please include the following:

- Photocopies of all relevant entries
- Directories showing proposed use on average every five years from 1951 to present
- Write the date on each copy

**Any additional evidence that is available to justify the claim.** This may include:

- Date that building was constructed
- Building permit records
- Letters from neighbors stating how long the building has been used as such
- Newspaper Listings

**Current ownership plat** and a copy of the **legal description**, both available here: <http://www3.co.weber.ut.us/psearch/summary.php> or at 2380 Washington Boulevard, in the Weber County Recorder's office.

***Note: It is up to the person requesting the certificate to prove beyond doubt that there is a legal right. Any combination of the options listed above can be considered as evidence by the Planning Staff.***

### Review Process

#### **Staff Review**

Once the complete application has been submitted, the Community Development department will review the request. The Planning Division may conduct its own investigation to insure the information is accurate, and there are no questions about the nonconformity. The department may require further information from the applicant if there are questions about the nonconformity, or if there is conflicting or missing information. The Code Enforcement Department will also review the request, and the property is subject to an inspection at the request of the Code Enforcement Supervisor. Please review the attached building code Basic FIT Premis Check List, of which may be used to inspect the property.

#### **Determination**

After the request has been reviewed and all information provided to make a decision, the Planning Division shall either issue a Nonconforming Certificate or deny the request and give written reasons for the denial.

#### **Appeal**

The applicant may request a further administrative hearing within 15 days of the mailing of the decision to deny the application. The request for a hearing shall be made in writing to the Director of Planning, who shall then establish a date, time and place to hold the hearing.